Amendments to the Drawings:

The attached replacement sheets of drawings includes changes to Figs. 1-9D and replaces the original sheets including Figs. 1-9D.

In Figs.1-3, photographs of subassemblies have been replaced with drawings of respective subassemblies.

In Fig. 4, 5A-5B, 6C, the drawings have been replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

In Fig. 5C, the drawing has been replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends. Element number "28" has been added to Fig. 5B.

In Fig. 7, the drawing has been replaced with a drawing including lines, numbers, and letters of uniform thickness and the legend has been improved. Underlining has been removed from the words in the figure, and the stricken-through word "~~density~~" was also removed from the figure.

In Fig. 9D, the drawing has been replaced with drawings including lines, numbers, and letters of uniform thickness and the legend has improved. The figure has been amended such that all rows of the table are on the same page and blank rows have been removed.

Attachments following last page of this Amendment:

Replacement Sheets (13 pages)
Annotated Sheets Showing Change(s) (13 pages)

## REMARKS

In response to the Office Action mailed August 29, 2008, Applicant amended claims 1, 3, 4, 6, 7, 10, 12, 14, 25, and 26 and canceled claims 5, 13, 31. Claims 15-18 and 20-22 are withdrawn. Claims 1-4, 6-12, 14, 19, 23-30 are presented for examination.

### *Elections/Restrictions*

Applicant affirms the election of Group I, claims 1-14, 19, and 23-31.

### *Drawings*

Figures 1-3 were objected to as appearing to be photographs, and the drawings were objected under 37 CFR 1.84(i) and 37 CFR 1.84(p). In view of the amended drawings submitted herewith, Applicant respectfully submits that these grounds of objection have been addressed.

### *Claim Objections*

Claims 12, 14, 25, and 26 were objected to for certain informalities. In view of the amendments to these claims, Applicant requests reconsideration and withdrawal of the objection to these claims.

### *Claim Rejections - 35 U.S.C. § 112*

Claims 3-7 were rejected under 35 U.S.C. § 112 as being indefinite. Although Applicant does not concede that the metes and bounds of these claims were insufficiently clear, these claims have been amended. In view of these amendments, Applicant request reconsideration and withdrawal of the rejection of claims 3-7 as being indefinite. Should the Examiner continue to have concerns regarding the clarity of these claims, the favor of a telephone call to the undersigned is respectfully requested to discuss mutually acceptable claim language.

*Claim Rejections - 35 USC §§ 102/103*

Claims 1-8, 11, 12-14, 19, and 23-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by Flament et al. (US 6,180,848) and/or under 35 U.S.C. § 103(a) as being unpatentable over Flament. However, Flament fails to disclose an implant including a "plurality of elongate elements tapering outwardly in a direction extending away from [a substantially planar] anchor. . .," as recited in claims 1-4, 6-8, 12, 14, 19, 23-30. Moreover, a person of ordinary skill in the art would not have modified Flament to add this claimed feature. As indicated above, claims 5 and 13 have been canceled.

Flament discloses an obturating device including a barrier-forming part 2 and an obturator part 1. (See, e.g., id., col. 2, lines 13-18; col. 3, 5-7). The tip of a conical structure that forms the barrier-forming part 2 is attached to the tip of a conical structure that forms the obturator part 1 such that the conical structures of the barrier forming part 2 and the obturator part 1 flare in the same direction. (See, e.g., id., col. 2, lines 26-31; FIGS. 1-4). Away from the tip connected to the barrier-forming part 2, the obturator proper 1 includes an outwardly projecting base 6. (See, e.g., id., col. 3, lines 47-61; FIGS. 3-4). Flament does not disclose a plurality of elongate elements tapering outwardly in a direction extending away from a substantially planar anchor. Accordingly, Flament does not anticipate claims 1-4, 6-8, 11, 12, 14, 19, and 23-30.

Even if Flament's barrier-forming part 2 and obturator part 1 could properly be considered elongate elements and base 6 could properly be considered an anchor, neither of which is conceded by Applicant, a person of ordinary skill in the art would not have modified Flament to produce an implant including "a plurality of elongate elements tapering outwardly in a direction extending away from [a substantially planar] anchor . . .," as recited in claims 1-4, 6-8, 11, 12, 14, 19, and 23-30. (Emphasis added). As discussed above, Flament discloses an obturating device including a barrier-forming part 2 and an obturator part 1 that are conical in shape and flare in the same direction. According to Flament, this allows Flament's obturating device to be introduced into a canal 3 such that the barrier-forming part 2 passes through the wall defining the canal 3 and then expands as it passes through the canal 3 to cover the internal orifice

of the hernial canal, whereas part 1 obturates the canal 3. (See, e.g., id., col. 3, lines 17-28). With the obturating device in this position, the base 6 bears on the outside margin of the wall of the hernial canal. (See, e.g., id., col. 3, lines 47-53). Modifying Flament's obturator such that base 6 is toward the narrow part of the obturator proper 1 would block insertion of the barrier-forming part 2 into the canal 3 such that Flament's obturator would not work for its intended purpose. For at least this reason, a person of ordinary skill in the art would not have modified Flament's obturator device to arrive at the features of claims 1-4, 6-8, 11, 12, 14, 19, and 23-30.

In view of the foregoing, Applicant requests reconsideration and withdrawal of the rejection of claims 1-4, 6-8, 11, 12, 14, 19, and 23-30 as being anticipated by Flament and/or as being unpatentable over Flament.

Claims 1-9 and 31 were rejected under 35 U.S.C. § 102(e) as being anticipated by Patel et al. (US 6,436,132 B1). However, Patel also fails to disclose a "plurality of elongate elements tapering outwardly in a direction extending away from [a substantially planar] anchor . . .," as recited in claims 1-4 and 6-9. As indicated above, claims 5 and 31 have been canceled.

Patel discloses a composite intraluminal prosthesis 10 including a thermally expandable stent 20 including a tubular body 21 formed from a plurality of spaced apart rings 24. The spaced apart rings 24 are composed of a plurality of adjacent deformable oval scaffolding elements 25, which may be compressed radially inwardly. Patel does not disclose a substantially planar anchor, much less a plurality of elongate elements tapering outwardly in a direction extending away from the substantially planar anchor. Accordingly, Patel does not anticipate claims 1-4 and 6-9.

In view of the foregoing, Applicant requests reconsideration and withdrawal of the rejection of claims 1-4 and 6-9 as being anticipated by Patel.

Claim 10 was rejected under 35 U.S.C. § 103(a) as being patentable over Flament in view of Rutkow et al. (US 5,356,432). Rutkow has been cited as teaching a subassembly comprising pores of 50-2000 microns in diameter. (See, e.g., Office Action p. 11). However, without

conceding that Rutkow discloses a subassembly comprising such pores, Rutkow has not been shown to cure the deficiencies of Flament as discussed above with respect to claim 1. Accordingly, Applicant requests reconsideration and withdrawal of the rejection of claim 10 as being unpatentable over Flament in view of Rutkow.

## Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicant respectfully requests consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

Filed herewith is a Petition for Extension of Time. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 14188-0003US1.

Respectfully submitted,

Date: March 2, 2009

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Reg. No. 61,400

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WO 2004/017869 Annotated Sheet Showing Change(s) PCT/US2003/026905
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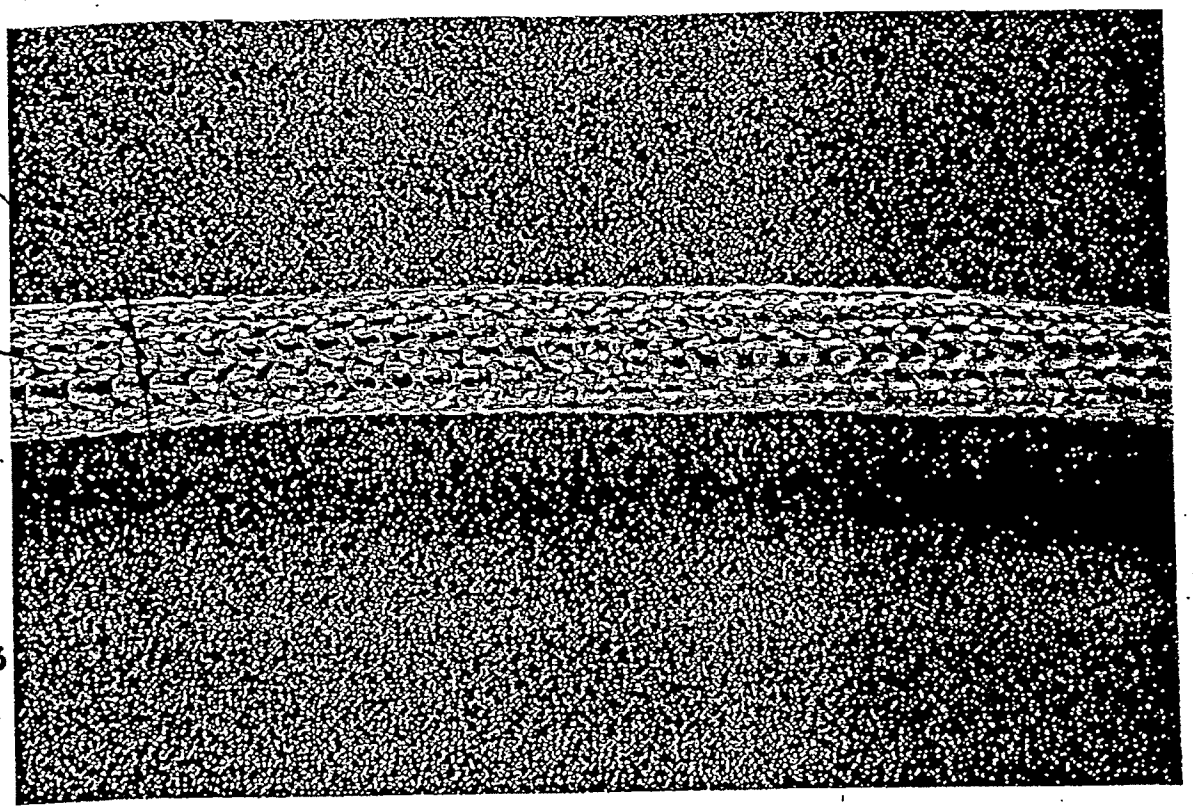



Photographs replaced with drawings

Fig. 1

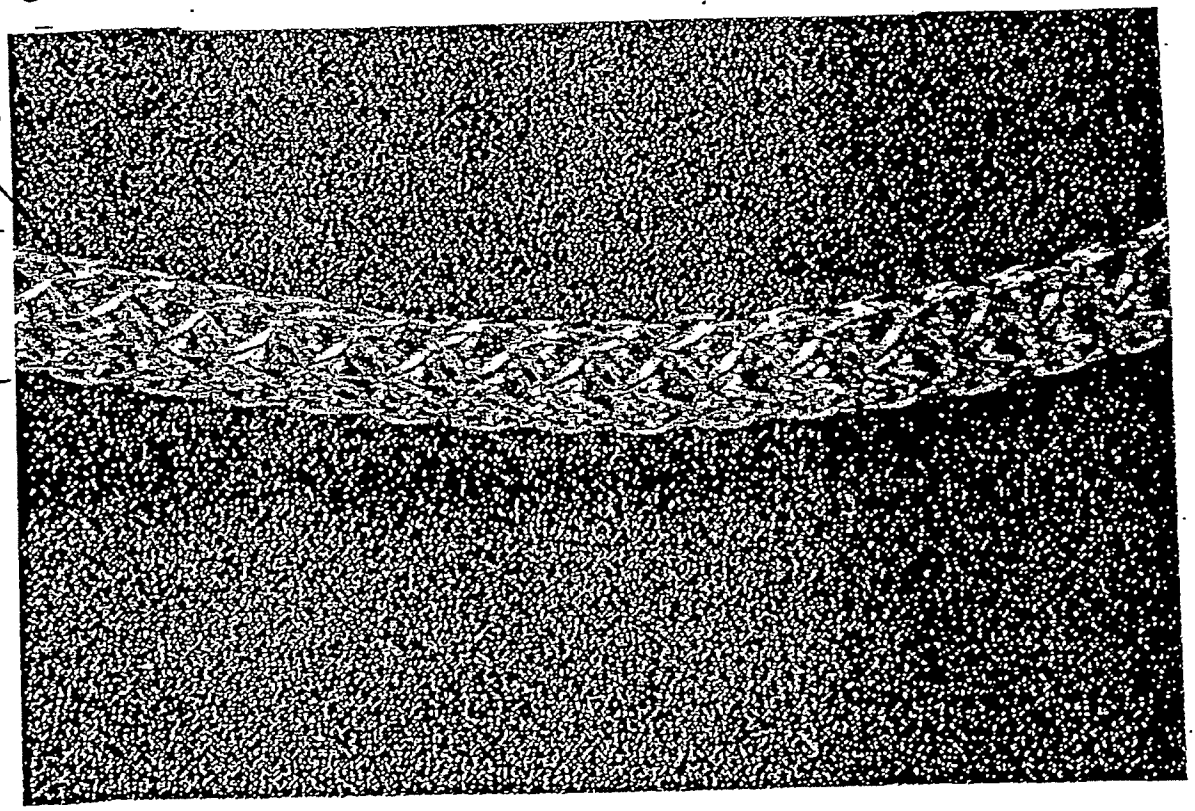
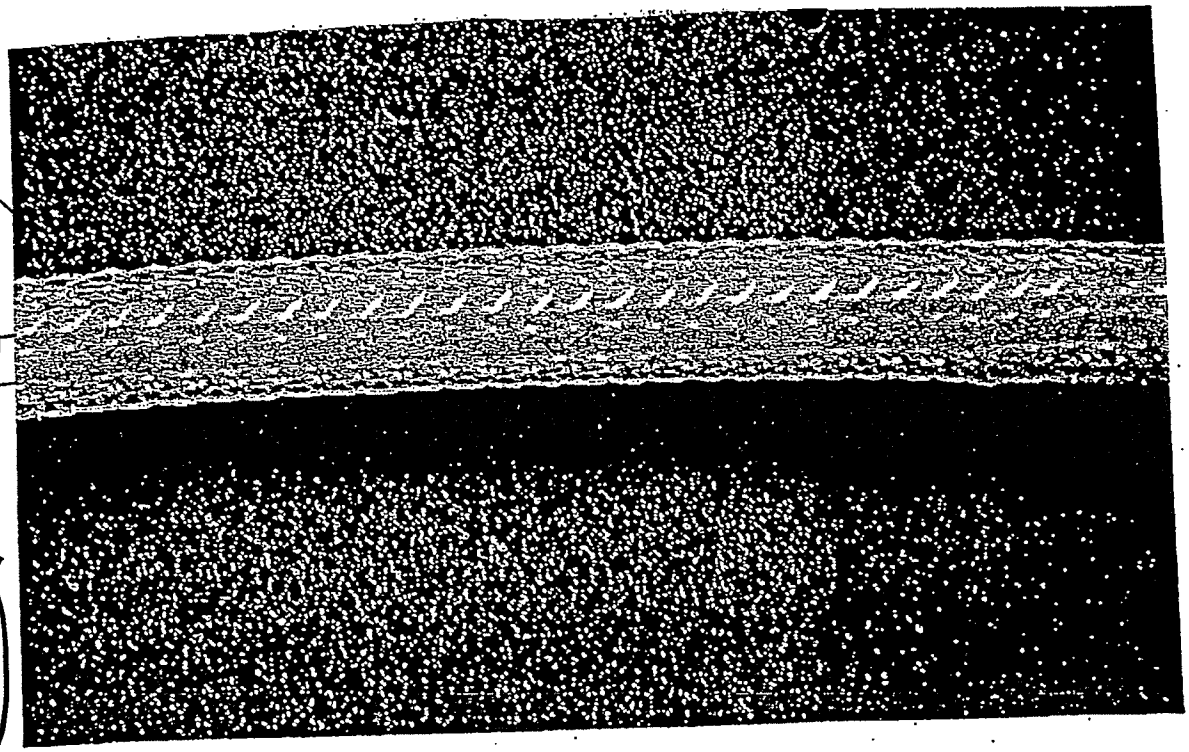



Fig. 2




Photographs replaced with drawings

Fig. 2A

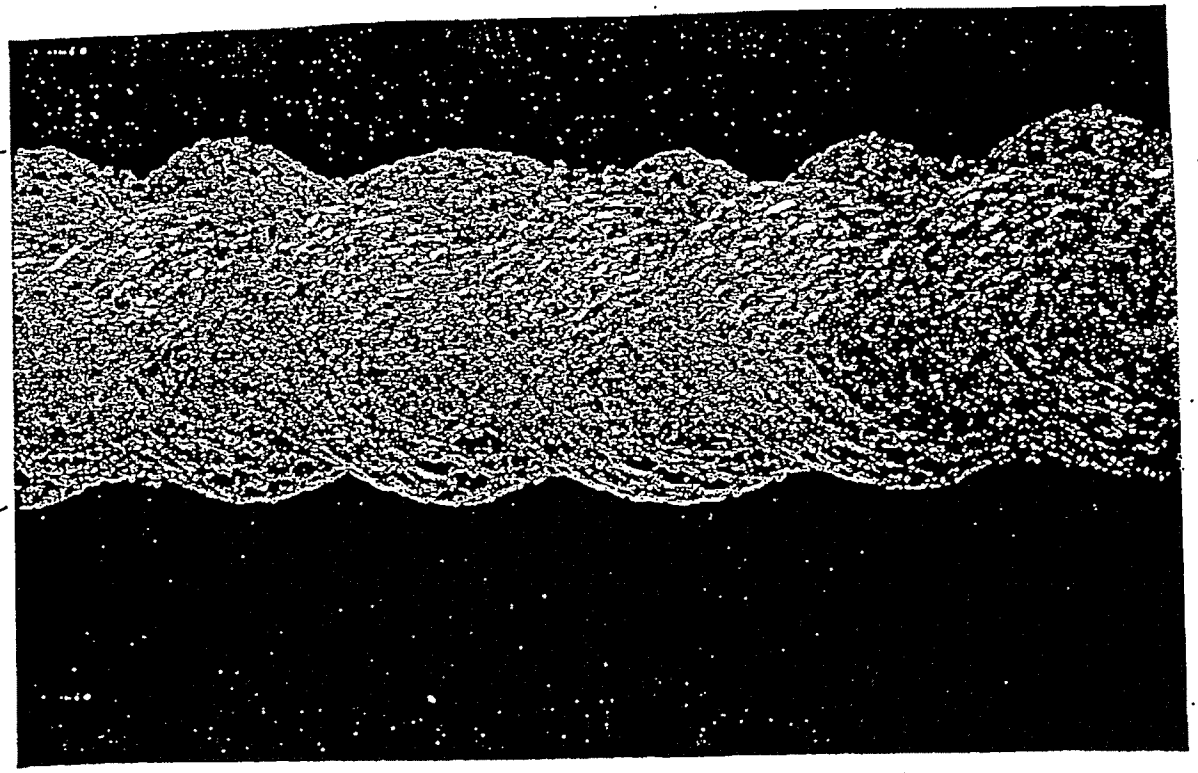



Fig. 3

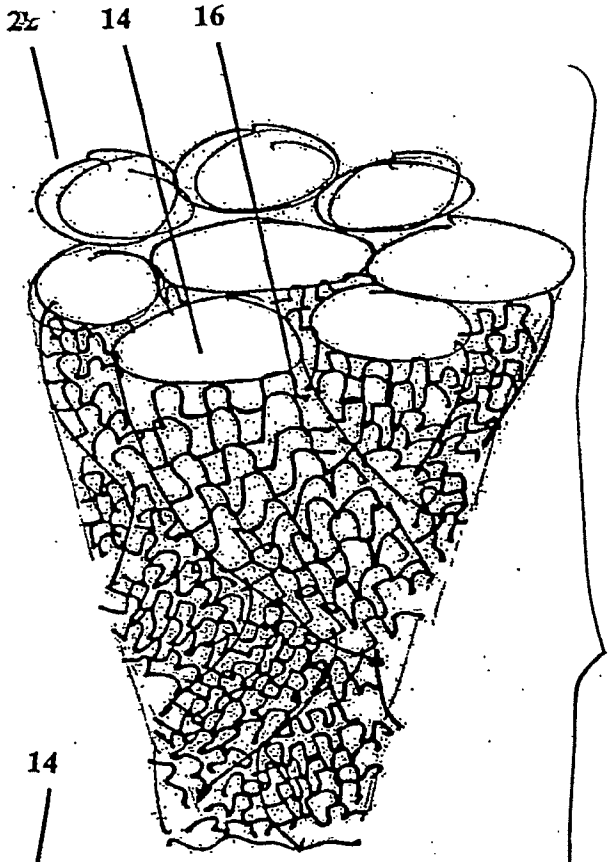



FIG 4

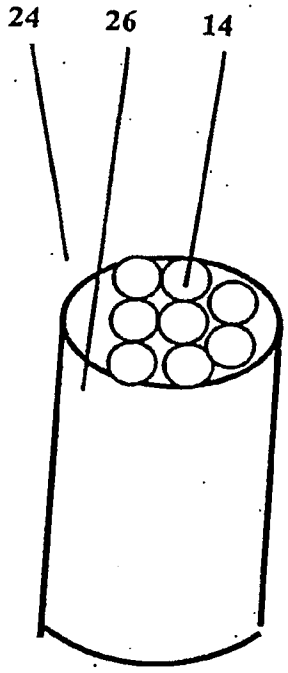



FIG 5A

Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

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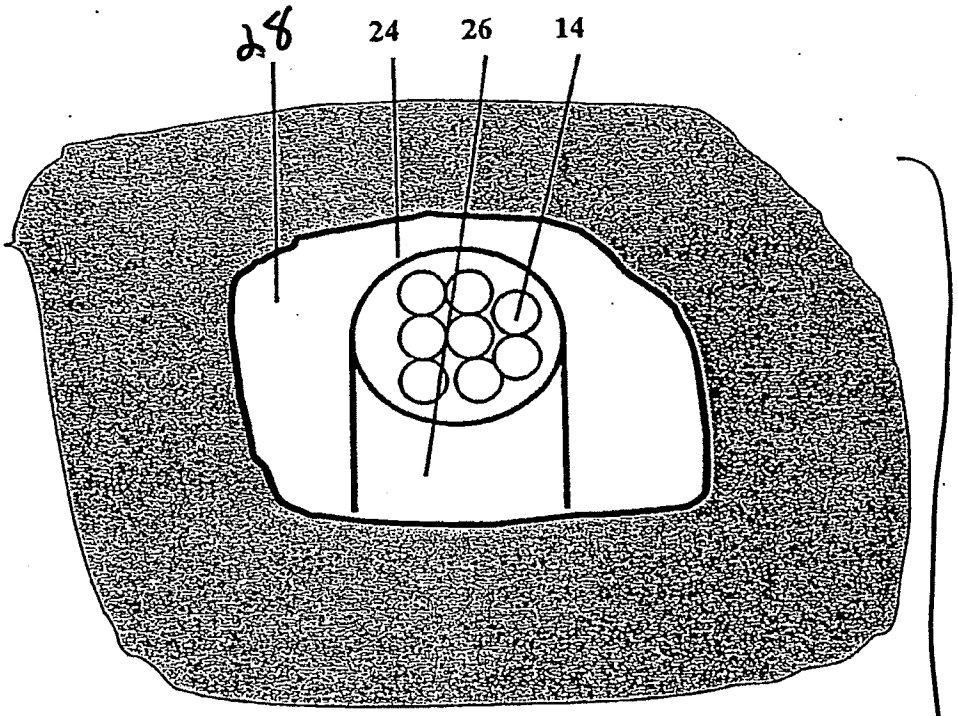


FIG 5B

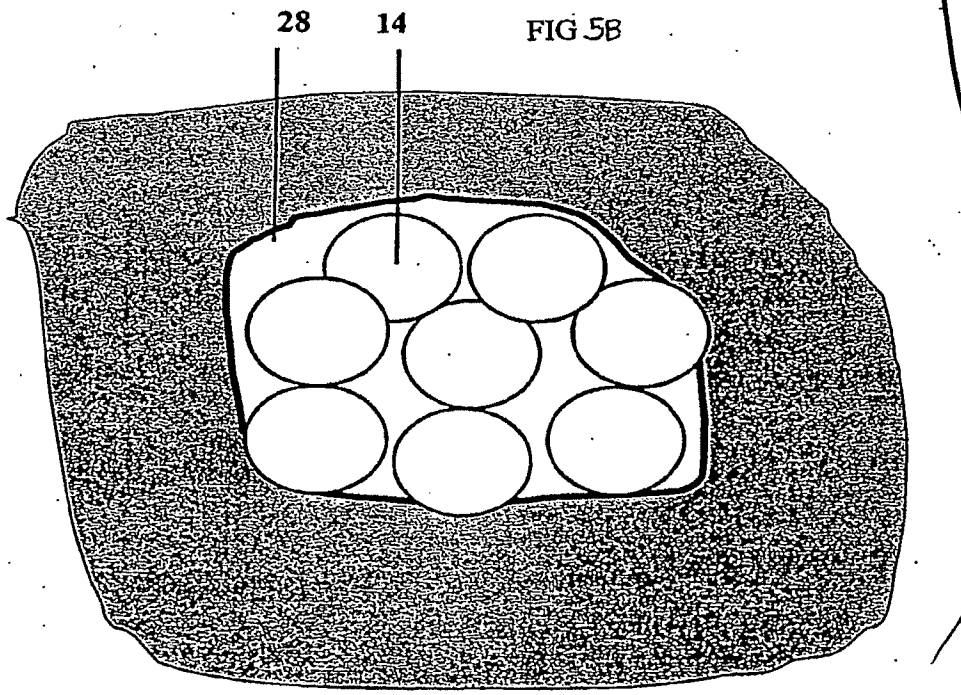


FIG 5C

Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends

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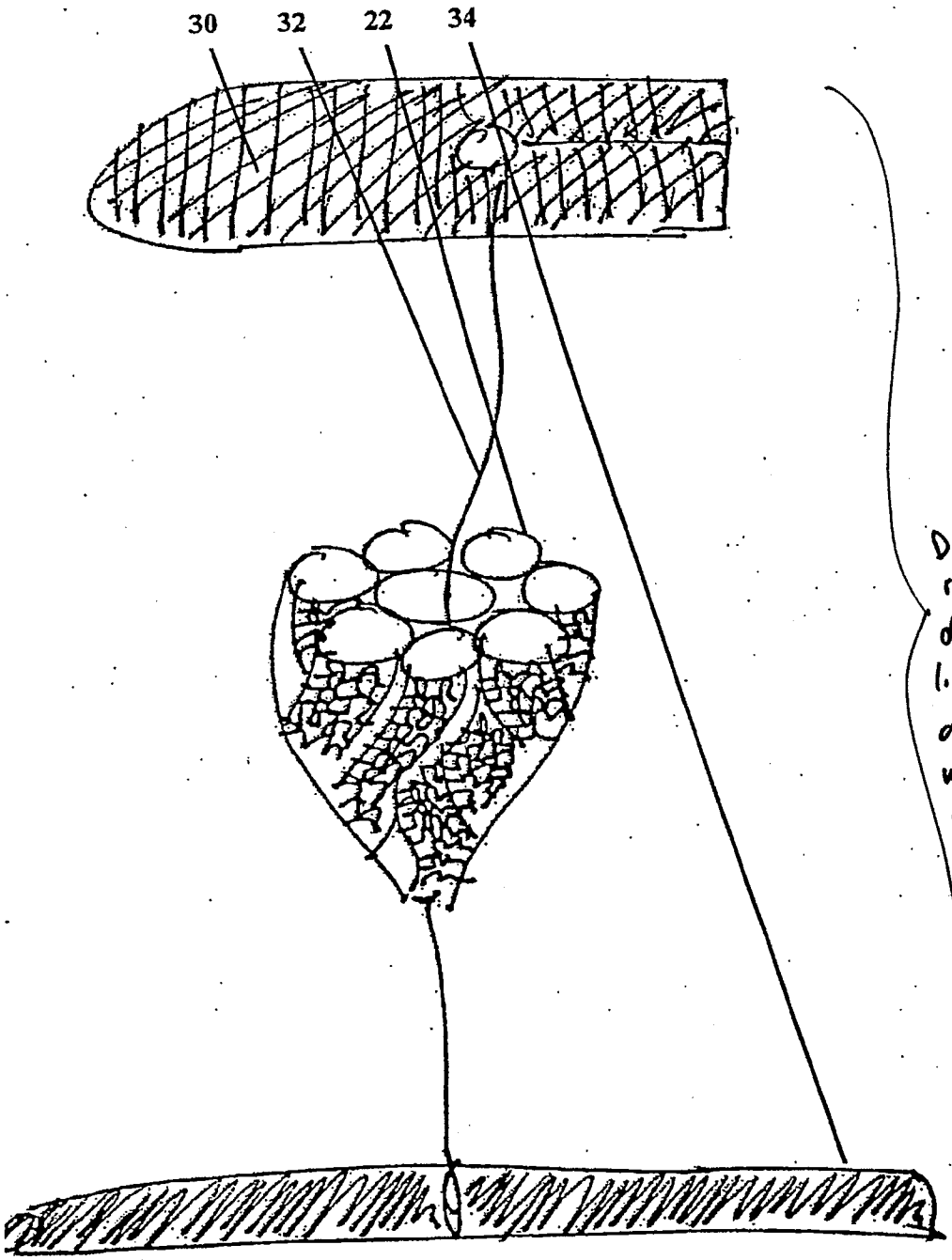


Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

FIG 6A

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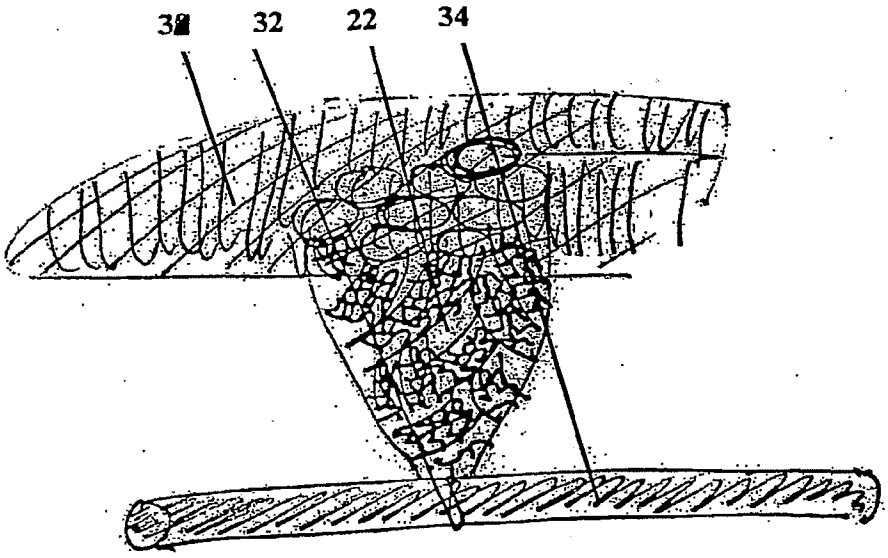


FIG 6B

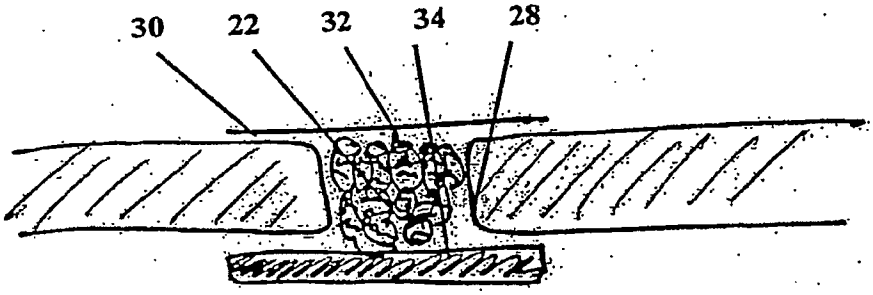


FIG. 6C

Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

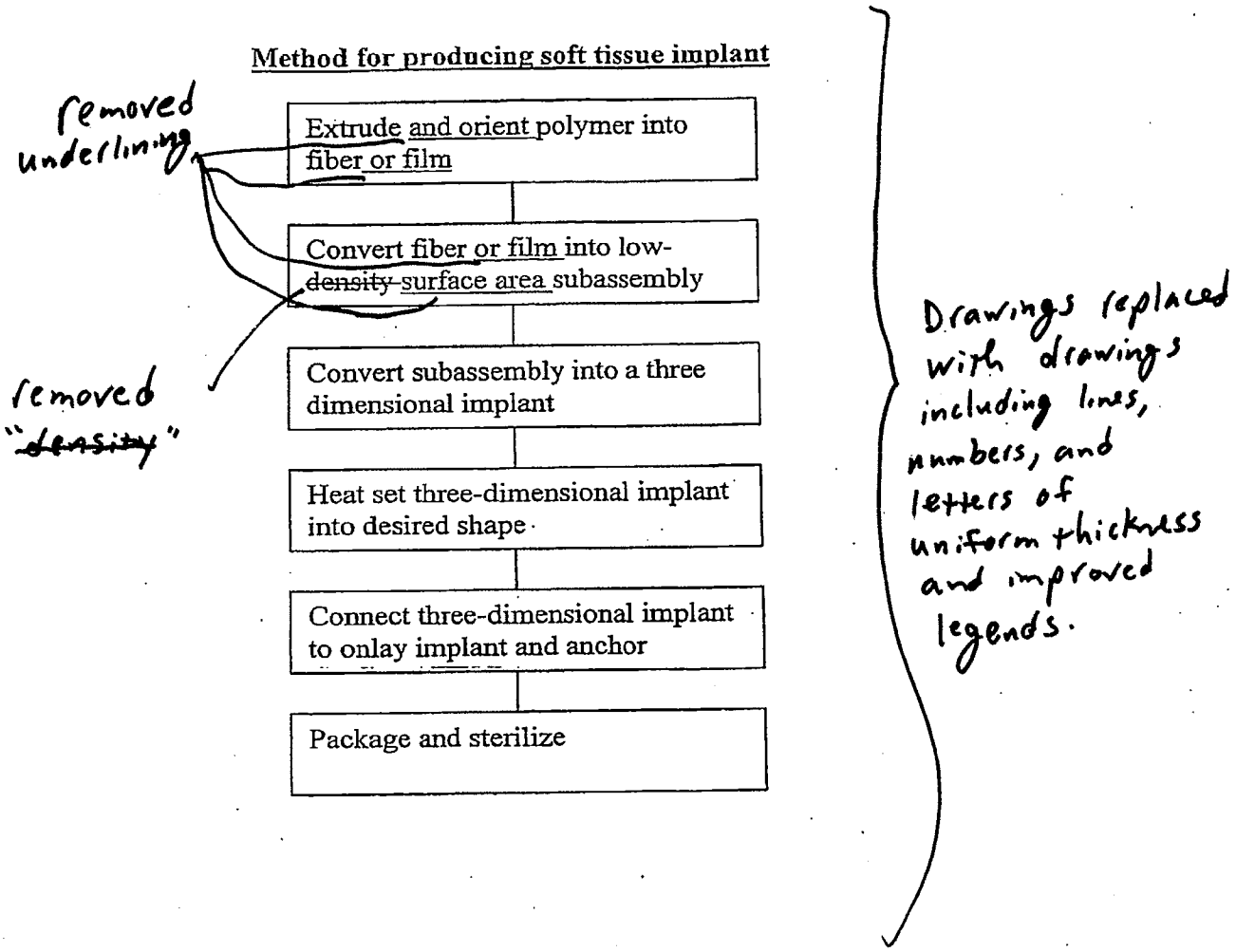
Method for producing soft tissue implant
removed underlining
Extrude and orient polymer into fiber or film
Convert fiber or film into low-density surface area subassembly
Convert subassembly into a three dimensional implant
Heat set three-dimensional implant into desired shape
Connect three-dimensional implant to onlay implant and anchor
Package and sterilize
removed "density"
Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

FIG. 7

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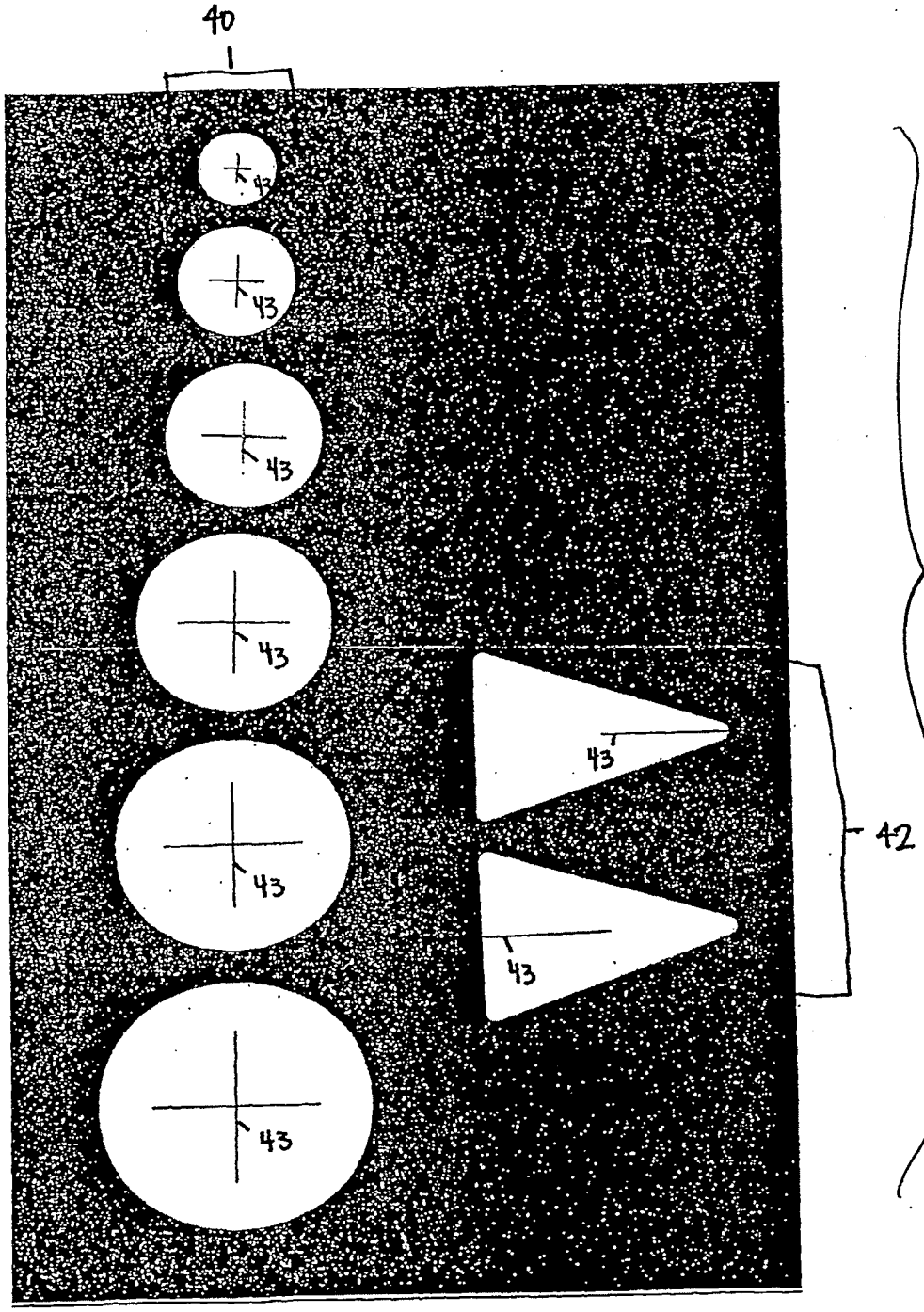


Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

Figure 8A

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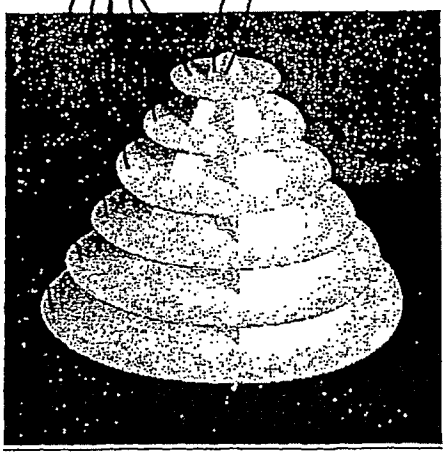


Figure 8B

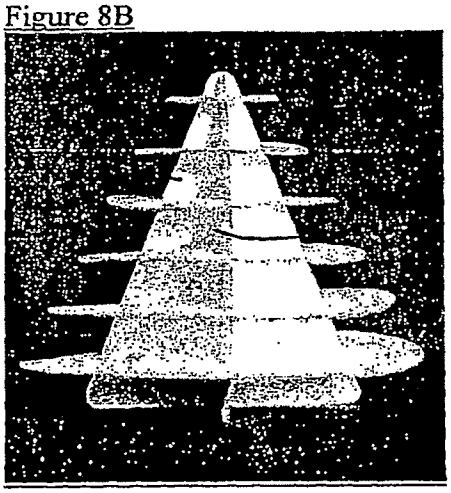

Figure 8C

Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

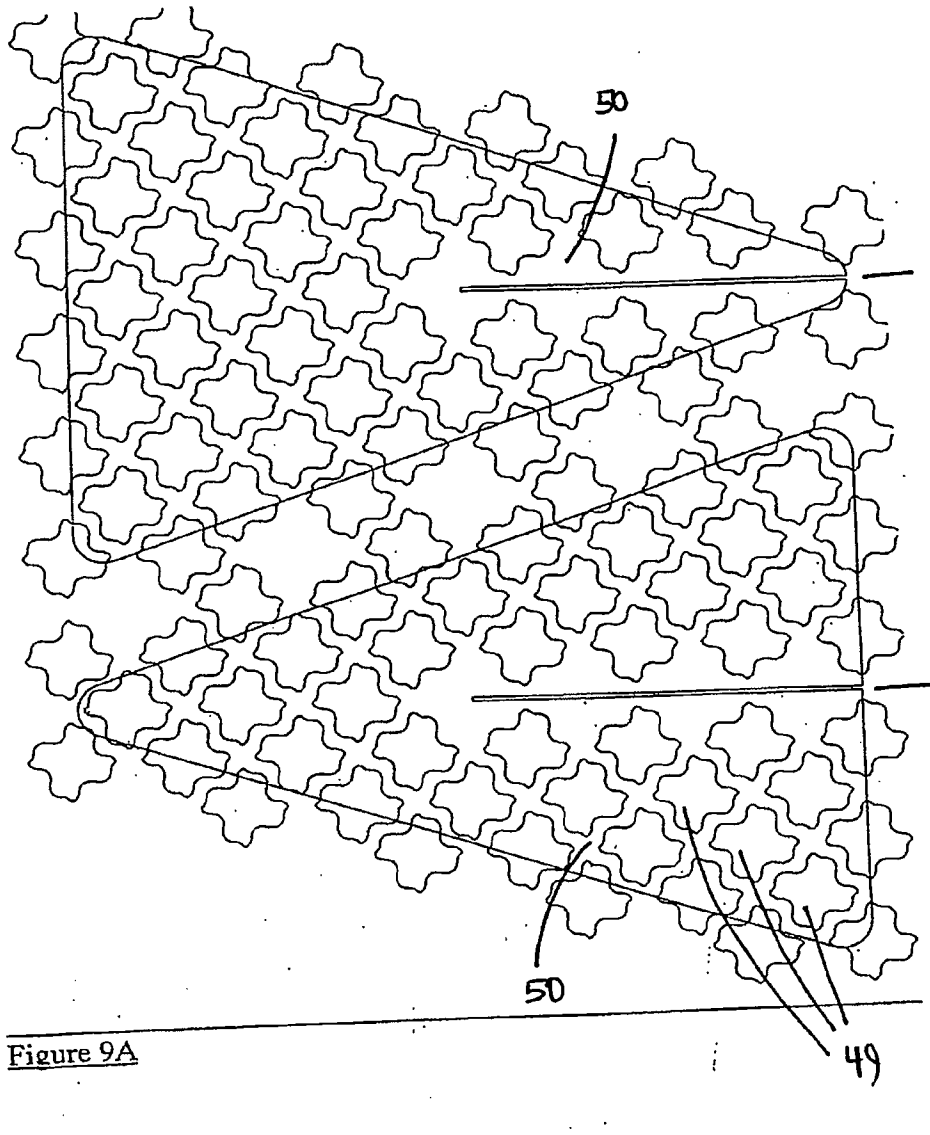


Figure 9A

Drawing replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

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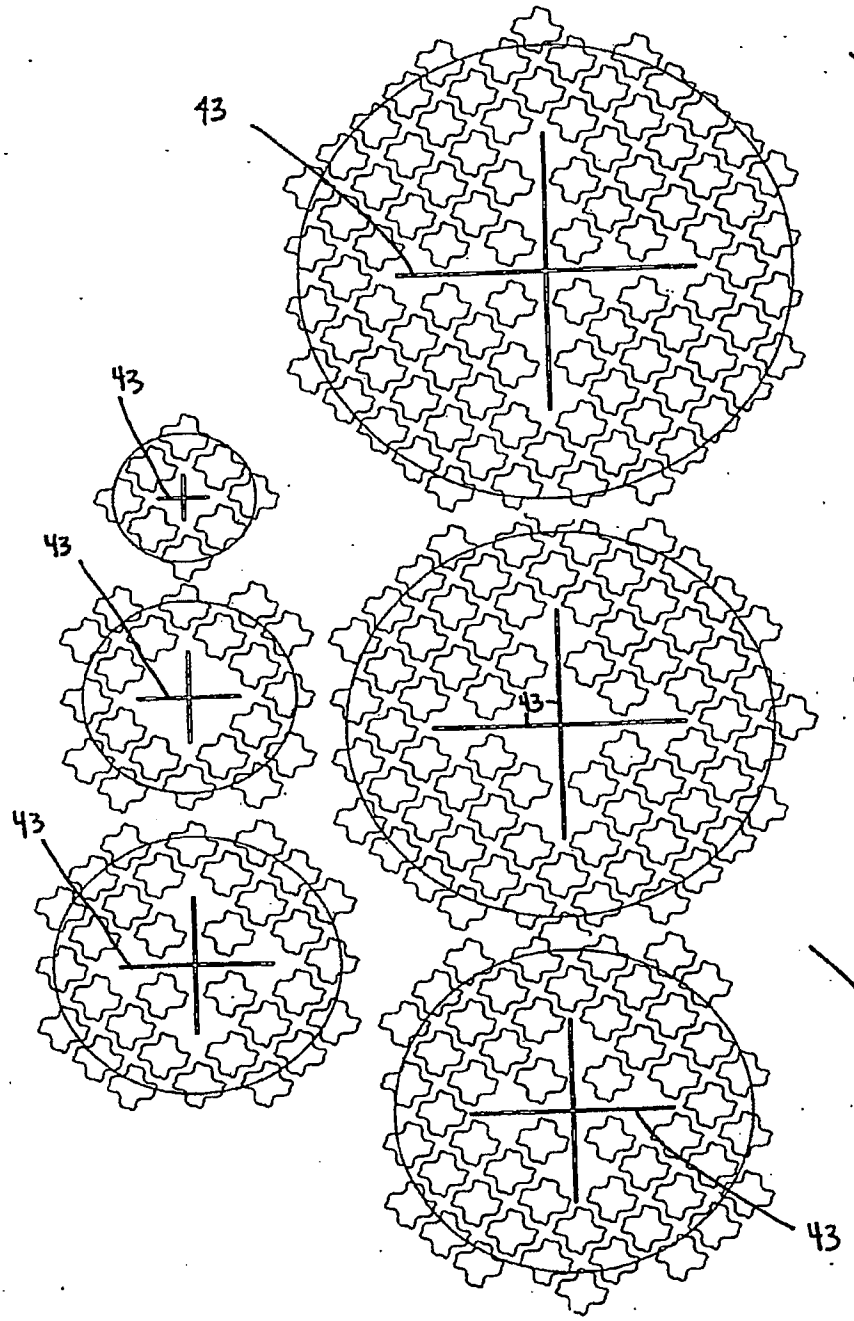


Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends

Figure 9B

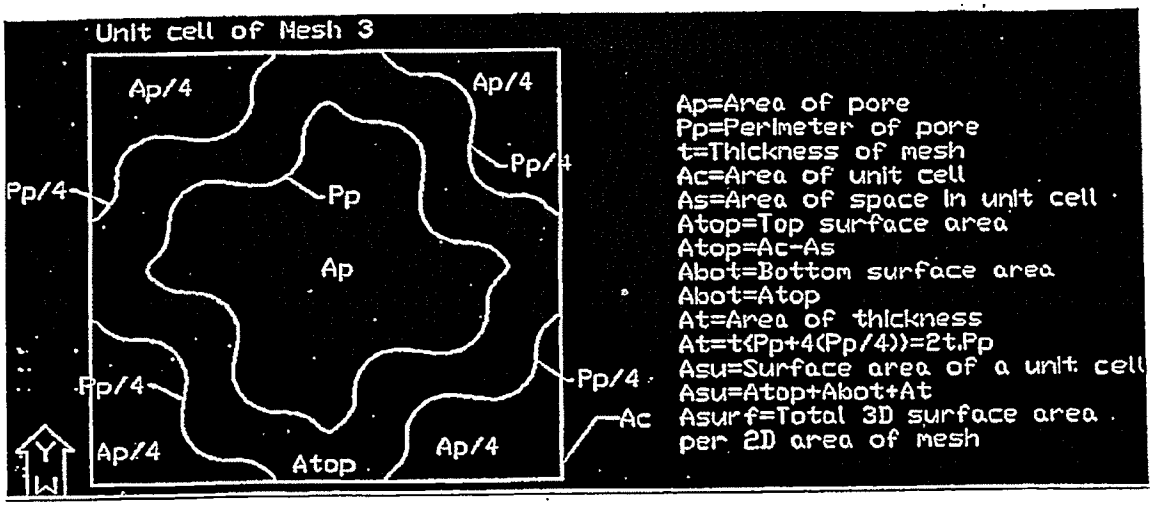


Fig. 9C

Method for Calculating Mesh3 Surface Area

| | | | |
|---|---|---|---|
| Area of pore | Ap | 10.89 | mm2 |
| Perimeter of pore | Pp | 15.08 | mm |
| Thickness | t | 0.20 | mm |
| Area of unit cell | Ac | 35.48 | mm2 |

| | | | |
|---|---|---|---|
| Area of space in unit cell | As=Ap+4(Ap/4)=2Ap | 21.78 | mm2 |
| Top surface area | Atop=Ac-As | 13.70 | mm2 |
| Bottom surface area | Abot=Atop | 13.70 | mm2 |
| Area of thickness | At=t(Pp+4(Pp/4)) | 6.03 | mm2 |

| | | | |
|---|---|---|---|
| 3D surface area of a unit cell | Asu=Atop+Abot+At | 33.43 | mm2 |
| Surface area ratio | Asurf=Asu/Ac | 0.94 | |

Method for Calculating the Surface Area for the Three Dimensional Implant Components

| | | | |
|---|---|---|---|
| Area of disks | $Ad=\pi(r_1)^2 + \pi(r_2)^2 + \ldots$ | 44.02 | cm2 |

Drawings replaced with drawings including lines, numbers, and letters of uniform thickness and improved legends.

→ FIG. 9D put on one page.

| | | | |
|---|---|---|---|
| Surface area of disks | Asurfd=Ad*Asurf | 41.38 | cm2 |
| Area of supports | As=((Lsup*Rsup)*1/2)*2 | 13.31 | cm2 |
| Surface area of supports | Asurfs=As*Asurf | 12.51 | cm2 |
| Surface area of implant | Asurfi=Asurfd+Asurfs | 53.89 | cm2 |

FIG. 9D put on one page.

Fig. 9D

Delete empty rows

| | | | |
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| | | | |
| | | | |
| | | | |
| | | | |